

**REMARKS**

This Amendment, submitted in reply to the Office Action dated February 23, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are all the claims pending in the application. Claims 20 and 21 have been allowed.

**I. Preliminary Matter**

As a preliminary matter, Applicant respectfully requests that the Watanabe reference (US 5,991,642), as cited in the body of the Office Action dated February 23, 2005, be added to the Notice of References Cited PTO-892.

**II. Claim Objections**

The Examiner objected to claims 9 and 12 for containing informalities. The claims have been amended as indicated above. Consequently, Applicant respectfully requests that the objection to claims 9 and 12 be withdrawn.

**III. Rejection of claims 1-9, 13-14, 16-17, 19 and 22 under 35 U.S.C. § 103**

Claims 1-9, 13-14, 16-17, 19 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. (U.S. Patent No. 5,991,642) in view of Oestreich (U.S. Patent No. 6,349,197).

**Claim 1**

Claim 1 recites “selecting a common coding mode for each mobile station and the selection of a common coding mode takes account of the traffic load in at least one cell.” The Examiner asserts that Watanabe, col. 10, lines 34-39, discloses the elements of claim 1.

Watanabe is directed to a mobile communications system which has a control station which selects speech coding schemes for a mobile station. The respective column and lines cited by the Examiner discusses a call between a mobile station 11, which can use A or B speech coding schemes, and a mobile station 12, which can only use a B speech coding scheme. A switch 41 accesses a database 51 containing speech coding scheme data of mobile stations 11 and 12 and determines that mobile station 11 can use A or B speech coding schemes and that mobile station 12 can only use a B speech coding scheme. A selection condition that selection is restricted to speech coding scheme B is sent to control station 31 and is further stored in selection condition table 80.

In accordance with the selection condition, control station 31 selects a traffic channel of bit rate  $\beta$  corresponding to speech coding scheme B and notifies the switch 41 of the selected channel. The switch 41 notifies control station 31 that it should make base station 21 and mobile station 11 start up using speech coding scheme B and also sets up a traffic channel to switch 42.

Based on the foregoing, it is apparent that the selection of a coding mode in Watanabe is based solely on a coding mode that the mobile stations have in common. There is no indication that the selection of a common coding mode takes into account the traffic load in at least one cell. Moreover, Oestreich does not cure the deficiencies of Watanabe.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 22 recites similar elements, it should be deemed allowable for at least the same reasons.

**Claim 2**

Claim 2 recites that the “common coding mode is selected on the basis of lists of coding modes supported by each mobile station and if the corresponding mobile station is in a busy cell the list of supported coding modes is *shortened* to eliminate therefrom the coding modes that consume the most resources.”

The Examiner cites Watanabe, col. 4, lines 48-57, col. 8, lines 54-67, and col. 10, lines 20-49, for teaching this aspect of the claim. However, the respective column and lines cited by the Examiner merely disclose the existence of a table which stores conditions regarding speech coding schemes of two connected mobile stations. There is no teaching or suggestion of shortening a list of supported coding modes. For at least this reason, claim 2 and its dependent claims should be deemed allowable.

**IV. Rejection of claims 10-12, 15 and 18 under 35 U.S.C. § 103**

Claims 10-12, 15 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe and Oestreich and further in view of Mayer (US 2003/0195011). Claims 10-12, 15 and 18 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above. Moreover, Mayer does not cure the deficiencies of Watanabe and Oestreich.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Appln. No.: 09/749,656

Attorney Docket No.: Q62485

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Ruthleen E. Uy  
Registration No. 51,361

Date: June 23, 2005